

Panaji, 21st February, 1974 (Phalguna 2, 1895)

SERIES I No. 47

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (Transport and Accommodation)

Notification

HD-25-62/73(T & A)

Whereas certain draft rules further to amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), at pages 319 to 320 of the Official Gazette, Series I, No. 31 dated 1st November, 1973 under the notification of the Home Department, Government of Goa, Daman and Diu, No. HD-25-62/73-A dated 18th October, 1973, inviting objections or suggestions from any person likely to be affected thereby till after 15 days from the date of publication of the notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 1st November, 1973.

And whereas no objections and suggestion have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by sections 91(1)(j), 111(2)(d), 111(2)(g), 129 and 129A of the Motor Vehicles Act, 1939 (4 of 1939) as applicable to the Union Territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. *Short title and commencement*:— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Twenty Second Amendment) Rules, 1973.

(2) They shall come into force at once.

2. *Amendment of rule No. 10.3*:— In sub-rule (3) of rule 10.3 of the Goa, Daman and Diu Motor Vehicles Rules, 1965 for the words "Sub-Inspector of Police" the words "Head Constable" shall be substituted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 28th January, 1974.

Industries and Power Department

Notification

DIM/219/64-72

In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957) and of all other powers enabling it in this behalf, and in supersession of all previous rules made in this behalf, the Government of Goa, Daman and Diu, make following rules for regulating the grant of prospecting Licences and Mining Leases, in respect of minor minerals and for the purposes connected therewith, namely:—

CHAPTER I

Preliminary

1. *Short title and commencement*.— (1) These rules may be called the Goa, Daman and Diu Minor Minerals Extraction and Removal Rules, 1974 and they shall come into force with immediate effect.

2. *Definitions*.— (1) In these rules unless there is anything repugnant in the subject or context:—

(i) "Competent officer" means the Director of Industries and Mines and includes any officer appointed by the Government to exercise and perform all or any of the powers and functions of the Director of Industries and Mines under these Rules.

(ii) "Director of Industries" means the Director of Industries and Mines of the Union Territory of Goa, Daman and Diu;

(iii) "Government" means Government of the Union Territory of Goa, Daman and Diu;

(iv) "Mamlatdar" shall have the same meaning assigned to it in clause (c) of Section 2 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966).

(v) "Mining Lease" means a lease to mine, quarry, bore, dig, and search for win, work and carry away any minor mineral specified therein;

(vi) "Quarrying licence" means a licence granted under Chapter IV of these rules to explore, locate and prove minor mineral deposits specified therein;

(vii) "Minor Minerals" shall have the same meaning assigned to it under clause (e) of Section 3 of the Mines and Minerals (Regulation Development) Act, 1957 (67 of 1957) and includes stones used for making household utensils, boulder, shingle, chalcedony pebbles used for ball mill purposes only, lime-

shell, kankar and limestone used for lime burning, murrum brick earth fuller's earth, bentonite, road metal, red-matti, slate and shale when used for building material, as per Notifications from Ministry of Mines and Fuel No. MII-159(ii)/59; MII-159(6)/57; MII-159(18)/54-A-II, respectively;

(viii) "Panchayat Secretary" shall mean a person employed under a Panchayat as defined under the Goa, Daman and Diu Village Panchayat's Regulation, 1962 and named as Secretary to the Panchayat;

(ix) "Specified Minor Mineral" means limestone, lime shell and such other minor minerals as may be specified by Government by notification in the Official Gazette;

(x) "Private Person" shall include an individual, a company, family, joint family, association or other body of individuals, whether incorporated or not, a Comunidade, Temple, Church, Mosque, religious or charitable institutions and any institution capable of holding property.

(2) Words and expressions used but not defined in these rules shall have the meaning assigned respectively to them in the Mines and Minerals (Regulation and Development) Act, 1957;

CHAPTER II

Grant of mining lease in respect of land belonging to Government

3. **Restrictions on grant of mining lease.** — (i) No mining lease shall be granted to any person other than an Indian citizen except with the prior approval of Government.

(ii) No mining lease shall be granted in respect of any specified minor mineral, except with the prior approval of the Director of Industries and Mines.

(iii) No mining lease shall be granted in case of minor minerals within a distance of 400 metres from the high water mark on beaches which Government, by Notification in the Official Gazette, may specify from time to time.

4. **Application for mining lease.** — (1) Every application for a mining lease in respect of any land in which the minerals belong to Government shall be made to the Competent Officer and shall contain the following particulars:

(a) i) If the applicant is an individual, his name, nationality, profession and residence and

ii) if the applicant is a company, syndicate, partnership or private firm, its name, nature and place of business and place of registration or incorporation;

(b) A description, illustrated by a map or plan showing as accurately as possible the situation, boundaries and area of the land in respect of which the mining lease is required;

(c) The minor mineral or minerals which the applicant intends to extract;

(d) The purpose for which the extracted minor minerals are to be used;

(e) The period for which the mining lease is required;

(f) The areas and minor minerals within the Union Territory of Goa, Daman and Diu in respect of which the applicant or any person joint in interest with him already holds a mining lease.

Explanation: A map or plan referred to in item (b) shall give sufficient information to enable identification of the area in respect of which the lease is required.

(2) Subject to the provisions of sub-rule (1), where two or more persons have applied for mining lease in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of the lease over an applicant whose application was received later.

Provided that where any such applications are received on the same date, the Competent Officer, after taking into consideration the special knowledge of, or experience in mining operation possessed by the applicant, financial resources of the applicant and nature and quality of the technical staff employed by the applicant may grant the mining lease to such one of the applicants as it may deem fit.

(3) Every application shall be accompanied by a fee of Rs. 25/- and by certified copies of the relevant extracts of the Record of Rights Revenue Register (Livro de Matriz Predial) or property Register (Inscrição e Descrição do Registo Predial) or any other lawful document as the case may be pertaining to persons or Government in respect of which the mining lease is applied for. Such application shall be accompanied with no objection certificate from the Captain of Ports or Director of Information and Tourism or any other Officer which the Competent Officer may feel necessary to be obtained.

5. Grant of mining lease and execution thereof.

(1) On receipt of an application under Rule 4, the Competent officer, on making such inquiries as he deems fit may sanction the grant of a mining lease to the applicant or refuse to sanction it.

(2) Where a mining lease is granted under sub-rule (1) the formal lease shall be executed within three months of the order sanctioning the lease and if no such lease is executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked.

Provided that, where the Competent Officer is satisfied that the applicant for lease is not responsible for the delay in the execution of the formal lease, he may permit the execution of the formal lease, after the expiry of the aforesaid period of three months.

6. **Refund of application fee.** — If the Competent Officer refuses to grant the mining lease applied for or if the applicant refuses to accept the lease on account of any special condition imposed therein under sub-rule (3) of rule 18, the fee shall be refunded.

7. **Intimation of refusal to be given.** — When an application for a mining lease is refused by the Competent Officer, he shall inform, in writing, the applicant, accordingly.

8. **Register of applications.** — A register of applications for mining leases shall be maintained by the Competent Officer, specifying therein the following particulars:

i) Name of the applicant;

ii) Address of the applicant;

iii) Particulars of the land applied for and its area;

iv) Minor mineral or minerals which the applicant desires to extract;

v) Period for which the mining lease is required;

vi) Action taken on the application and date of orders.

9. Security deposits. — The applicant shall, before the mining lease is granted, deposit as security a sum equal to 50 per cent of the annual dead rent fixed for the lease for due observance of the terms and conditions of the lease.

10. Survey of area leased. — When a mining lease is granted by the Competent Officer, arrangements shall be made at the expense of the lessee for the survey and demarcation of the area granted under lease.

11. Register of mining lease. — A register of mining leases shall be maintained by the Competent Officer, specifying the following particulars.

- (A). i) Name of the lessee and his address;
 ii) Particulars and area of the land in respect of which the lease has been granted and the period of the lease;
 iii) Date on which the lease is granted;
 iv) Date on which formal lease is executed;
 v) Rates of royalties, surface rent and dead rent;
 vi) Minor mineral or minerals for which the lease is valid;
 vii) Amount of security deposit;
 viii) Other conditions imposed;
- (B). i) Date of renewal;
 ii) Period of renewal;
 iii) Total area under renewal;
 iv) Minor mineral or minerals for which renewed lease is valid;
 v) Rate of royalty;
 vi) Rate of surface rent;
 vii) Rate of dead rent;
 viii) Amount of security deposit;
- (C). Date of determination of the lease.

12. Inspection of registers. — The register maintained by the Competent Officer under rules 8 and 11 shall be open to inspection by any person, on payment of a fee of Rs. 2/-.

13. Restrictions on area of mining lease. — (1) Except with the prior approval of Government, no mining lease shall be granted in the case of specified minor minerals for an area exceeding 10 hectares and in case of other minor minerals for an area exceeding 15 hectares.

(2) No lessee by himself or with any person joint in interest with him shall hold in the aggregate more than 100 Ha. of area under lease in respect of one minor mineral or a group of minor minerals within the Union Territory of Goa, Daman and Diu.

(3) Subject to the limits prescribed in these Rules, the Competent Officer may grant a mining lease for the whole or any part of the area applied for, and if he refuses to grant a mining lease for the whole area, the reasons for such refusal shall be recorded by him in writing.

(4) The area under any mining lease shall be in a compact block, unless the Competent Officer directs otherwise.

14. Length and breadth of leased area. — The length of an area held under a mining lease shall not exceed four times its breadth.

Provided that the Government may after having into account the circumstances of a particular case relax the provisions of this rule, if it deems fit.

15. Boundaries below surface. — The Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

16. Period of mining lease. — (1) The period for which a mining lease may be granted shall not, except with the approval of Government exceed ten years. The lease shall be renewable at the option of the lessee for one period not exceeding the duration of the original lease.

(2) At the time of renewal of the lease, the lessee shall be entitled to surrender any part of the leased area.

(3) When the renewal is granted:

(i) Royalty and surface rent shall be charged at the rates in force at the time of renewal; and

(ii) Dead rent shall be charged at such rates at the Competent Officer may fix within the limits specified in Schedule II to these rules in force at the time of the renewal.

17. Transfer of mining lease. — The lessee may, with the previous sanction of the Competent Officer, and subject to the conditions specified in sub-rule (2) of rule 13 and rule 14, transfer his lease or any right, title or interest therein to any person on payment of fee of Rs. 50/- to Government.

Provided that if the lease was granted with the prior approval of Government, or Director of Industries, the transfer also shall be made with the prior approval of Government or Director of Industries as the case may be.

18. Conditions. — (1) Every mining lease shall include the following conditions:

i) The lessee shall pay in advance, the royalty to Government on minor minerals despatched from the leased area at the rates specified in Schedule I to these Rules:

Provided that such rates shall be liable to be revised as may be amended by Government from time to time.

ii) The lessee shall also pay for every year of the lease such yearly dead rent within the limits specified in Schedule II to these Rules as may be fixed by the Competent Officer, in the lease; and if the lease permits the working of more than one mineral in the same area, the Competent Officer may fix separate dead rent in respect of each mineral.

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each minor mineral, whichever be higher in amount, but not both.

(iii) The lessee shall also pay, for the surface area used by him for the purpose of the mining, surface

rent at such rate, not exceeding the land revenue cesses and taxes assessable on the land if any as may be fixed by the Competent Officer and specified in the lease.

iv) Unless the Competent Officer for good cause, permits otherwise, the lessee shall commence mining operations within three months from the date of execution of the lease and shall thereafter carry them on in a proper, skillful and workmanlike manner. The lessee shall prevent waste by removal of overburden, careful storage of waste, drainage and removal of all valuable minor minerals within the mine.

Explanation: For the purpose of this clause, mining operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the mining operations.

v) The lessee, shall, at his own expenses, erect and maintain boundary marks and pillars, necessary to indicate area leased to him.

vi) The lessee shall take adequate steps to ensure that:—

a) Heights and widths of trenches in open mines are properly maintained to facilitate easy removal of the mineral and the muck;

b) The working faces are always kept clean;

vii) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report the discovery without delay to the Competent Officer and shall not win or dispose of such minor mineral without obtaining a lease therefor. If he fails to apply for such lease within three months from the discovery of the mineral the Competent Officer may grant a lease in respect of such mineral to any other person.

viii) The lessee shall arrange for the proper sanitation of the area leased to him.

ix) The lessee shall abide by such reasonable instructions and directions as may be issued by Government from time to time regarding the conservation and development of minor minerals.

x) The lessee shall abide by the provisions of any law for the time being in force, relating to the working of mines and matters affecting safety, health and convenience of the lessee's employees or of the public and shall respect all existing rights of way, water and other easements.

xi) The lessee shall not carry on or allow to be carried on any mining operations at any point within a distance of 45 metres, if no blasting is involved and 185 metres if blasting is involved from the boundary of any railway line except with the written permission of the Railway Administration concerned or from the boundary of any reservoir, canal, road or public works or buildings except with the previous permission of Government. The Railway Administration or Government may, in granting permission, impose such conditions as it may deem fit. In the case of National Monuments such distance will be 300 metres whether blasting is involved or not.

xii) The lessee shall keep correct accounts showing the quantity and other particulars of all minor minerals obtained and despatched from the mine and the number of persons employed therein and complete plans of the mine and shall furnish to the Director of Industries such information, reports and returns as he may require from time to time together with

representative samples of minerals obtained during his operations.

xiii) The lessee shall allow any officer authorised by Government or the Competent Officer to enter upon any building excavations or land comprised in his lease for the purpose of inspecting the same or for inspecting any of his accounts, plans and records which he shall make available to such officer. Such officer may issue such reasonable directions as he may deem fit to prevent wasteful extractions of minerals and it shall be the duty of the lessee, his agent or manager to carry out such directions within such period as the officer may specify. If the lessee, his agent or manager fails to carry out the directions within the specified period, the Competent Officer may determine the lease or may impose a penalty not exceeding twice the amount of the annual dead rent.

xiv) The lessee shall strengthen and support to the satisfaction of the railway administration concerned or Government, as the case may be any part of the mine which in its opinion required such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or structures.

xv) The lease shall be liable to cancellation if the lessee ceases to work the mine for a continuous period of six months;

Provided that the lease shall not be cancelled if the lessee is prevented from working the mine owing to some reasonable cause or if the lessee ceases to work with the prior permission of the Competent Officer.

xvi) If the lessee, or his transferee or assignee, does not allow any entry or inspection under clause (xiii) the Competent Officer may cancel the lease and forfeit in whole or in part the security deposit paid by the lessee.

xvii) The lessee shall report all accidents to the District Magistrate and the District Superintendent of Police concerned under copy to the Director of Industries.

xviii) In case of breach by the lessee or his transferee or assignee of any of the conditions specified in class i), ii), iii), iv), v), vi), vii), viii), ix), xi), xii), xiv), or xx), of this rule, the Competent Officer shall give notice in writing to the lessee asking him to remedy the breach within sixty days from the date of the notice, and if the breach is not remedied within such period the Competent Officer may determine the lease, in case of breach by the lessee or his transferee or assignee of any other condition of the lease, the Competent Officer may require the lessee to pay a penalty not exceeding an amount equivalent to twice the amount of the annual dead rent.

xix) Government shall be immune from the lessee's claim for damage on account of any land having been included in his lease which may subsequently be discovered not to have been available for the lease.

xx) The lessee or his transferee or assignee shall not erect any building in contravention of the provisions of any law for the time being in force, relating to the erection of building or in contravention of any orders issued by any officer or the authority competent to issue such orders under any such law within whose jurisdiction the leased area is situated.

xxi) Government shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted.

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals.

xxii) Right of the Government of Goa, Daman and Diu or Central Government to construct any road, railway, or canal, reservoir or to carry any electric or telephone lines in or over the limits under the lease is reserved;

Provided that, before such right is exercised, a notice of not less than sixty days shall be given to the lessee and the area utilized by Government for any of the aforesaid purposes shall be excluded from the area under the lease.

(2) A mining lease may contain such other conditions as the Competent Officer may deem necessary in regard to the following:

- (i) Time limit, mode and place of payment of rents and royalties;
- (ii) Compensation for damage to the land covered by the lease;
- (iii) Felling of trees;
- (iv) Restriction of surface operation in any area prohibited by any authority;
- (v) Notice by lessee for surface occupation;
- (vi) Providing for proper weighing machines;
- (vii) Facilities to be given by the lessee for working other minerals in the leased area or adjacent area;
- (viii) Entering and working in a reserved or protected forest;
- (ix) Securing pits and shafts;
- (x) Indemnity to Government against claims of third parties;
- (xi) Delivery of possession over lands and mines on the surrender, expiration or determination of the lease;
- (xii) Forfeiture of property left after determination of lease;
- (xiii) Power to take possession of plant, machinery, premises and mines in the event of war or emergency.

(3) A mining lease may contain any other special conditions which the Competent Authority may specify, subject to the approval of Government.

19. Rights of lessee.—Subject to the conditions mentioned in rule 18, the lessee shall have the right, for the purpose of his mining operations, to —

- (1) work mines or quarries;
- (2) sink pits and shafts and construct buildings and roads;
- (3) erect plants and machinery;
- (4) quarry and obtain buildings and road materials and make bricks;
- (5) use water and take timber;
- (6) use land for staking purposes;
- (7) do any other thing specified in the lease.

20. Right to determine lease.—The lessee may determine the lease at any time by giving not less

than six months notice in writing to the Competent Officer.

Provided that where a lessee applies for the surrender of the whole or a part of the lease-hold area on the ground that such area is barren or the deposits of the mineral have since exhausted or depleted to such an extent that it is no longer economical to work such area, the Government shall permit the lessee from the date of receipt of the application, to surrender that area, if the following conditions are satisfied, namely: —

- (a) the lease-hold area to be surrendered has been properly surveyed and is contiguous;
- (b) the lessee has paid all the dues payable to the Government under the lease upto the date of application; and
- (c) surrender of the area by the lessee has not been permitted for more than once.

CHAPTER III

Grant of mining lease in respect of land belonging to private persons

21. Applicability of this chapter.—The provisions of this Chapter shall apply to mining leases granted by private persons.

22. Restrictions on grant of mining lease by private persons.—A mining lease granted by a private person shall be subject to the restrictions prescribed in rule 3, 13(1), (2) and (4), 14 and 16(1) and shall be subject to the following conditions:—

- (a) The provisions of clauses (i), (ii), (iii), (v), (vii), (viii), (ix), (xi), (xii), (xiii), (xiv), (xvii), and (xviii) of sub-rule (1) of rule 18 shall apply to such lease with the modification that in clause (ii), (iii), (iv), (vii) and (xviii) for the words "Competent Officer" the word leaser shall be substituted.
- (b) The lessee may determine the lease at any time by giving not less than six months' notice in writing to the lessor;
- (c) The lease may contain such other conditions as may be agreed upon between the parties.

23. Submission of copy of lease.—Every person obtaining a mining lease from a private person shall within three months of the grant of such lease or execution of such lease submit to the Competent Officer a certified copy of the lease.

24. Communication of transfer of assignment.—Every transferee or assignee of a mining lease or of any right, title or interest therein, shall within one month of such transfer or assignment inform the Competent Officer about the transfer or assignment and of the terms and conditions of such transfer or assignment.

25. Prohibition of premium.—No person in granting or transferring a mining lease or any right, title or interest in any such lease, shall charge any premium in addition to or in lieu of the surface rent, dead rent or royalty specified in such lease or such proportionate part of such fee, rent or royalty as is payable in respect of the right, title or interest transferred.

26. Annual returns and statements. — Every private person granting a mining lease shall furnish, annually, to the Director of Industries, returns and statements, within such period as the Director of Industries may direct.

27. Penalty for granting mining lease in contravention of these rules. — If any private person grants a mining lease in contravention of any of the provisions of this Chapter or accepts any premium in contravention of rule 25, he shall be punishable with imprisonment which may extend to three months or with fine which may extend to Rs. 1000/- or with both and the lease so granted shall be void.

28. Penalty for failure to furnish returns etc. — Should any lessee or his transferee or assignee fail to furnish the documents or information or returns as specified in rule 23, 24 or 26 or refuse entry or inspection by any officer authorised by Government or the Competent Officer under clause (xiii) of sub-rule (1) of rule 18, he shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500/- or with both.

CHAPTER IV

Grant of quarrying licences in respect of lands which belong to Government

29. Grant of quarrying licence. — On an application made to him the competent officer may grant a quarrying licence to any person for the purpose of exploring, locating or proving the deposit from any specified land within the limits of his jurisdiction any minor mineral not exceeding in quantity to 3000 cubic metres, under one licence, on payment of such royalties as the Competent Officer may fix. But not exceeding the royalties calculated at the rates specified in Schedule I to these rules and also on payment of such land revenue and cesses and other taxes assessable on the lands.

Provided that the Competent Officer may refuse to grant such licence for reasons recorded in writing.

30. Application for quarrying licence. — (1) An application for quarrying licence shall contain the following particulars: —

- (i) Name, address and profession of the applicant;
- (ii) Quantity of the minor mineral for which the licence is required;
- (iii) Name of the minor mineral to be explored, located and proved;
- (iv) Description of the lands from which the minor minerals is to be explored, located or proved.
- (v) Purpose for which the minor mineral is to be used.

(2) Every application for a quarrying licence shall, if the land, from which the minor mineral is to be explored, located or proved are occupied lands, be accompanied by a letter from the occupant of such lands to the effect that he has no objection to explore, locate and prove the mineral by the applicant.

(3) Every application shall be accompanied by certified copies of relevant extract of Record of Rights or Revenue Register (Livro de Matriz Predial) or property register (inscrição do registro

predial) or an affidavit from the owner/owners of the land stating that the same belongs to him/them or any other lawful documents in respect of land from which the minor mineral is proposed to be explored, located and proved. Such application shall be accompanied also with the no objection certificate from the Captain of Ports or the Director of Information and Tourism or any other officer which the Competent Officer may feel necessary to be obtained.

31. Application fee. — The application shall be accompanied by a fee of Rs. 5/-. If the Competent Officer refuses to grant the licence applied for, the fee shall be refunded.

32. Conditions on which the quarrying licence shall be granted. — (1) (a) Every quarrying licence granted under rule 29 shall contain a condition that the depth of the pit below the surface shall not exceed six metres.

(b) Any licence granted under rule 29 may contain such other conditions as the officer granting the licence may deem necessary in regard to the following matters: —

- (i) Time limit, mode and place of payment or rents and royalties;
- (ii) Compensation for damage to the land covered by the licence;
- (iii) Felling of trees;
- (iv) Restriction of surface operations in any area prohibited by any authority;
- (v) Entering and working in any reserved or protected forest;
- (vi) Reporting all accidents;
- (vii) Indemnity to Government against claims of third parties;
- (viii) Period within which the minor mineral shall be explored, located and proved and delivery of possession over lands on the expiry of such period or on the removal of the quantity of the minor mineral for which the licence is valid;
- (ix) Forfeiture of property left after cancellation of the licence;
- (x) Plugging of bore holes and filling up or fencing all excavations in the land covered by the licence before delivery of possession over lands on the expiry of the period specified in item (viii) or on cancellation of the licence.
- (xi) The licensee, shall not for the purpose of exploring, locating and proving the deposits carry on or allowed to be carried on any operation at any point within a distance of 45 metres if no blasting is involved, and 185 metres if blasting is involved, from the boundary of any railway line except with the written permission of the Railway Administration concerned or from the boundary of any reservoir, canal, road or public works, building except with the previous permission of the Government. The Railway Administration or the Government, may, in granting permission, impose such conditions as it may deem fit. In the case of National Monuments such distance should not be less than 300 metres away from such monuments whether blasting is involved or not.
- (xii) In case of breach of any of the conditions subject to which the licence is granted, the Competent Officer may cancel it. On cancellation of the licence the materials lying on the land from which

they are extracted shall become the absolute property of the Government.

CHAPTER V

Appeal

33. Application for appeal. — Any person aggrieved by an order of a Competent Officer:

(i) refusing to grant a mining lease or quarrying licence.

(ii) determining or cancelling such lease or licence;

(iii) refusing to permit transfer of a mining lease; may within two months of the date of such order, apply to Government.

34. Application fee. — An application for appeal under rule 33 shall be accompanied by a fee of Rs. 15/-.

35. Appeal. — Upon receipt of such application, Government may, if it thinks fit, call for the relevant records and other information from the Competent Officer and after considering any explanation that may be offered by him, cancel his order or revise it in such manner as Government may deem just and proper.

36. Finality of order. — The order of Government under rule 35 shall be final.

CHAPTER VI

Miscellaneous

37. Application of these rules to renewal. — (a) Government land:

Where a mining lease, quarrying licence or any other concession for mining of a minor mineral or minerals in the Government land granted before the commencement of these rules is renewed after such commencement, these rules shall apply in relation to such renewal as they apply in relation to the renewal of a mining lease or quarrying licence granted after such commencement.

(b) Lands other than Government lands:

All the persons to whom mining lease or quarrying licence of minor minerals granted in respect of lands other than Government lands shall, within a period of sixty days after the commencement of these rules, submit to the Director of Industries, a statement in writing, giving therein the volume of excavation in cubic metres, done by them up to the day of the commencement of these rules.

38. Relaxation of rules in special cases. — In any case or class of cases in which the Government is of the opinion that public interest so requires, it may authorise the grant of mining lease or a quarrying licence on the terms and conditions other than those prescribed in these rules.

39. Disposal of minor mineral by public auction in certain cases. — Notwithstanding anything contained in the foregoing provisions, it shall be lawful for a Competent Office to sell by public auction or otherwise dispose of the right to remove any minor mineral in such cases or class of cases and on such terms and conditions as the Government may by a general or special order specify.

40. For works meant for public utility. — P. W. D., Municipalities, B. D. O. and Village Panchayats for their direct use may extract free of charge, such minor minerals from Government land, with prior sanction of Competent Officer. When such land in which minor minerals occur is vested in private persons, such plots may be obtained in negotiations with the respective proprietor or when such negotiations fail, then be acquired under the Land Acquisition Act 1894.

The acquisition under the Land Acquisition Act, 1894, for "public works" shall be restricted as far as possible on the plots nearby the locality of such works.

41. Extraction free of charge. — Minor minerals that may be found in the course of building of any structure and opening wells, will be free of charges and the respective owner may use or sell the same without payment of any royalty. The provisions of this rule are also applicable to contractors or public works.

42. Exemption. — 1. Notwithstanding anything contained in these rules a potter, maker of bricks or tiles may remove earth, stone, kankar, sand murrum or clay from the bed of the sea or from the beds of creeks, rivers and nalas or from any unassessed waste land within the limits of the village for his domestic or agricultural purposes with the previous permission in writing of the Panchayat Secretary and without payment of any royalty.

Provided that no such permission shall be given in respect of land assigned for burial or cremation grounds.

Provided further that where the excavation of the soil is likely to cause damage or destroy any valuable building, wall or any land required for any special purpose or any boundary mark, the previous sanction of the Mamlatdar to any such removal shall be required, who, after making such investigations as he deems fit, may refuse permission to the extent necessary to prevent such damage or destruction.

2. Any person may for the purpose of building a wall or for his domestic or agricultural purposes but not for sale or personal gain remove such material specified in sub-rule (1) with the previous permission in writing of the Mamlatdar within whose jurisdiction such material is situated without payment of any royalty provided that the value of the material so removed shall not exceed Rs. 100/-. This concession will be available only once in a year.

3. No Panchayat Secretary or Mamlatdar shall permit any removal under sub-rule (1) or (2) from land which may fall within the jurisdiction of Captain of Ports, defence services or any other authority without having their no objection certificate for such removal.

4. Where it appears to the Panchayat Secretary or the Mamlatdar that the trade carried on by any potter or maker of bricks or tiles or any other person is sufficiently extensive and lucrative so as to justify the payment of royalty, he shall refer the case to the Competent Officer for his decision.

In such cases and in the localities where he deems fit, the Competent Officer may prevent, by an order in writing the Mamlatdar or the Panchayat Secretary

from giving permission without obtaining his prior approval. In all these cases, the concerned applications shall be referred by the Mamlatdar or the Panchayat Secretary, as the case may be to the Competent Officer for orders.

5. When the Panchayat Secretary refuses permission when the same is applied for under sub-rule (1) or does not refer the application to the Competent Officer under sub-rule (4) or when the Mamlatdar refuses permission under sub-rule (2), an appeal shall lie to the Competent Officer whose decision shall be final.

6. The Panchayat Secretary or the Mamlatdar within five days from the date of permission, shall send to the Competent Officer a copy of all the permissions issued by them under sub-rule (1) and (2).

SCHEDULE I

Rates of Royalties

(See Rules 18, 22 and 29)

Mineral	Rates of Royalty
I(a) Limestones and its varieties including lime-shells.	When used for lime burning, either Rs. 1-65 per cubic metre of stone utilised. or Rs. 1-35 per cubic metre of prepared lime. When used as building stone ballast metal grit etc. Rs. 1-65 per cubic metre of stone utilised.
(b) Kankar when used for lime burning.	either Rs. 1-65 per cubic metre of stone utilised. or Rs. 1-10 per cubic metre of prepared lime.
II(a) All buildings stones including laterite when used for building and constructional purposes as stones masonry stones, blocks metal grit, basalt, blocks chiras, grit, etc.	Rs. 1-35 per cubic metre of raw stones utilised.
III(a) Boulder, shingle, gravel, murrum, ordinary sand, kankar all used for constructional purposes either by excavation or collection.	Rs. 0-90 paise per cubic metre.
(b) Pebbles and modules of chalcedony quartzite stone or flint.	Rs. 4-55 per cubic metre.
IV Ordinary sand when used as core moulding or bend sand.	Rs. 1-10 per cubic metre.
V(a) Ordinary clay when used for manufacture of tiles.	Rs. 1-10 per cubic metre.
VI Red matti and other coloured mattis (not amounting to ochres).	Rs. 0-95 paise per cubic metre.
VII Slate and shales when used for building purposes.	Rs. 1-65 per cubic metre.

Mineral	Rates of Royalty
VIII Brick earth.	Rs. 0-10 paise per cubic metre of brick earth consumed for manufacture of bricks. or Rs. 0-45 paise per 100 bricks manufactured of common standard size 9×4×3 inches.
IX Fuller's earth or Ben-tonite.	Rs. 2-20 per cubic metre.

SCHEDULE II

Limits of Dead Rents

(See Rule 18)

	Per hectare or portion thereof maximum
I Specified minor minerals	Rs. 100-00
II Building stones including laterite	Rs. 100-00
III All other minor minerals except those used for making grinding stones	Rs. 50-00

By order and in the name of the Administrator of Goa, Daman and Diu.

S. C. Pandey, Secretary, Industries and Labour.

Panaji, 22nd January, 1974.

Local Self Government Department

Notification

3-35-73-LSG(GEN)

The following draft Rules which are proposed to be framed under the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969) are hereby published for general information of the persons likely to be affected thereby and notice is hereby given that the said draft Rules will be taken into consideration by the Government on expiry of 15 days from the date of publication of this notification in the Official Gazette.

All objections and suggestions to the draft Rules may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu in Urban Development Department, Secretariat, Panaji, before the expiry of 15 days from the date of publication of this notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the proposed Rules.

DRAFT RULES

In exercise of the powers conferred by Sub-Section (1) of Section 306 read with sub-section (1) of Section 151 of the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969) and all other powers enabling him in this behalf, the Lieutenant Governor,

Goa, Daman and Diu, hereby makes the following rules, namely: —

1. **Short title.** — These rules may be called the Goa, Daman and Diu Municipalities (Sale of Distrained or Attached Movable and Immovable Property) Rules, 1974.

2. **Definitions.** — In these rules, unless the context otherwise requires: —

(a) "Act" means the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969);

(b) "Form" means a Form appended to these rules;

(c) "Section" means a section of the Act;

(d) "Local Language" means Konkani and Marathi in the District of Goa and Gujarati in District of Daman and Diu.

3. **Chief Officer to make proclamation of intended sale.** — When any sale of either movable or immovable property is ordered under sub-section (1) of Section 151 the Chief Officer shall fifteen days' prior to the date of such sale, issue a proclamation thereof, in Form A in English or any local languages specifying: —

- (i) the time and place of sale;
- (ii) the description of the property;
- (iii) any encumbrance to which the property is liable;
- (iv) any other particulars necessary to judge the nature and value of the property.

4. **Prior notice to defaulter of intended sale.** — Simultaneously with the issue of the proclamation for sale, a copy of the proclamation shall be served on the defaulter with a notice in Form "B".

5. **Proclamation to be given due publicity by Chief Officer.** — The proclamation shall, not less than fifteen days prior to the date of sale, be advertised by the Chief Officer in one or more local newspapers having wide circulation in the area of the Municipal Council. A copy of the proclamation shall also be affixed on the Notice Board of the Council Office, and in case all the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situated. In the case of other immovable property, the proclamation shall be fixed at the place where it is situated and also at such other places as the Chief Officer may consider desirable. The Chief Officer may also give such additional publicity to the sale by beat of drum or any other customary mode of publicity as he may consider it necessary.

6. **Chief Officer to record reasons for postponement of Sale.** — Chief Officer may, for any sufficient reasons to be recorded in writing postpone the sale and give sufficient publicity to the revised time, date and place fixed by him for holding the sale.

7. **Sale to take place under supervision of Chief Officer.** — Every sale shall take place under the supervision of.

(a) the Chief Officer or any other officer authorised by him in writing in the case of movable property;

(b) the Chief Officer, in the case of immovable property;

Provided that if for sufficient reasons, it is not possible for the Chief Officer to conduct the sale, he shall, with the permission of the President, authorise in writing any other Officer, not below the rank of a Head Clerk in the employ of the Council for the purpose.

8. **Purchaser to deposit purchase money after conclusion of sale.** — (1) When the officer conducting the sale concludes the sale of movable property, the bidder shall pay the sale price for which the sale is concluded immediately to the said officer, in default of which the property shall be resold at his risk. If the resale results in any loss to the Council, the bidder shall be liable for such loss.

(2) In the case of immovable property, the person who is declared to be the purchaser shall deposit 25 per cent of the sale price immediately after his bid is accepted, with the officer conducting the sale. The purchaser shall pay the balance within fifteen days from the date of sale of the property in the Office of the Council. If the last day be a Sunday or a Public Holiday, then payment shall be made on the first working day immediately after such day.

(3) If the purchaser does not pay the balance of sale price, within the period prescribed by sub-rule (2) his deposit shall be forfeited to the Council and the property shall be resold at his risk. The purchaser shall forfeit all claims to the sale price realised on resale and if such resale results in any loss to the Council, he shall be liable for such loss.

9. **Loss to be recovered as arrears of Municipal taxes.** — When the resale of any property results in any loss to the Council, the difference in the original sale price and price realised after resale together with all expenses, incurred on such resale shall be recovered by the Council from the defaulter as arrears of Municipal taxes.

10. **Resale to be held after fresh proclamation.** — Whenever any postponed sale or resale of either movable or immovable property is to be held under these rules, the Chief Officer shall issue a fresh proclamation in the manner laid down in rule 3.

11. **Sale to be set aside on grounds of irregularity, fraud, or mistake.** — When any immovable property is sold, any person whose interests in the said immovable property are affected by such sale may apply to the Chief Officer within twenty-one days from the date on which the sale is held, to set aside the sale on the ground of some material irregularity, mistake or fraud in the proclamation or conduct of the sale.

Provided that, no sale shall be set aside by the Chief Officer on the aforesaid ground, unless, it is proved to his satisfaction that the applicant has sustained substantial injury by reason thereof;

Provided further that, no such application for setting aside the sale shall be entertained upon any ground which could have been but was not put forward by the applicant before the commencement of the sale.

12. **Refund of deposit or purchase money.** — When the sale is set aside the deposit or purchase money,

as the case may be, of the purchaser be refunded to him.

13. The Chief Officer to confirm the sale. — (1) If no objection is raised within twenty-one days from the date on which the sale of immovable property is held, or even when any objections are so raised and the Chief Officer is satisfied that there is no valid reason to set aside the sale and if full payment is made as required by these rules, the Chief Officer shall confirm the sale by granting a certificate as required by sub-section (2) of section 151 in Form "C".

(2) No sale shall be deemed to be complete, unless, it is confirmed by the Chief Officer.

(3) Where the sale of immovable property is confirmed by the Chief Officer, the name of the purchaser shall be entered in the Municipal Record as the owner of the said property, in lieu of the defaulter.

FORM "A"

(See rule 3)

... Municipal Council.

Form of the Proclamation of Sale of attached property.
Whereas Shri ... has failed to pay the Municipal dues amounting to Rs. ... relating to the period from ... to ...

And whereas in accordance with the order No. ... dated ... issued by the Chief Officer, under Section 147 of the Goa, Daman and Diu Municipalities Act, 1968 the property of the said person hereinunder specified has been attached/ /distrainted towards recovery of the aforesaid Municipal dues;

Now, therefore, notice is hereby given that subject to the provisions of sub-section (1) of section 151 of the Goa, Daman and Diu Municipalities Act, 1968, the ... Officer of the ... Municipal Council shall sell by public auction ...

day of ... at ... between ... on such conditions as are set out in the subjoined schedule of conditions of sale, the right, title and interest of the said Shri ... in the property hereinunder specified.

Details of Immovable property: —

Details of Movable property: —

... Chief Officer, Municipal Council.

Schedule of Conditions of Sale.
(Here insert Conditions of Sale)

FORM "B"

(See Rule 4)

... Municipal Council.

Notice of Sale

From ...

Name and office of the person charged with the execution of the warrant)

To,

Shri ...

Name, father's name and address of the defaulter whose property is to be sold)

You are hereby required to take notice that the property described in the proclamation annexed hereto and which has been attached under Section 147 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) shall be sold by public auction at ...

(place)

on the day ...

(date)

day of ... 19

(month and year)

at ...

(hour)

A copy of the proclamation issued in Form "A" attached.

Place ...

Date ...

Signature of the person charged with the execution of the warrant

FORM "C"

[See rule 13(1)]

... Municipal Council

(Sale certificate to be issued under sub-section (2) of section 151 of the Goa, Daman and Diu Municipalities Act, 1968)

This is to certify that Shri/Shrimati ... (son/daughter/wife) resident of ... has been declared the purchaser of the property specified below for Rs. ... at a sale by public auction held on the ... day of ... and that the said (month and year) sale has been confirmed by the Chief Officer ... Municipal Council on the ... day of ... 19 (date) (month and year)

Such sale transfers the right, title, and interest of Shri/Shrimati ... son/daughter/wife of ... resident of ... in the said property to the purchaser aforesaid.

Details of the property.

Accurate situation of the property with detailed description of boundaries surroundings, etc. (applicable to immovable property)	Details of the property	Name in full of the owner of the said property
1	2	3

Date ...

Signature of the Chief Officer.

Note: — The details of the property shall, as far as may be, the same as in the property register.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 2nd February, 1974.